

**REMARKS**

In the Office Action, claims 1-27 were rejected. By the present Response, claims 7, 16, 23, and 26 are amended. Upon entry of the amendments, claims 1-27 will remain pending in the present patent application and are believed to be in condition for allowance. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

**Rejections Under 35 U.S.C. § 101**

In the Office Action, the Examiner rejected claims 7, 16, 23, and 26 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the Examiner stated:

Claim 7 recites a program, which is viewed as subject matter than [sic] is non statutory, as its [sic] represents a claim directed towards software, per se, whether or not the program is tangibly embodied or not. The applicant should claim a medium, rather than a program, and claim the medium comprising the code for accomplishing the steps as outlined in claim 7. By properly claiming the medium, the applicant claims subject matter deemed to be statutory.

The same can be said for claims 16, 23 and 26.

Office Action, page 2.

Applicant has amended claims 7, 16, 23, and 26 to read “computer readable medium comprising code” instead of “computer program.” Applicant respectfully requests withdrawal of the rejections under § 101.

**Rejections Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. § 102(e) as anticipated by Yokoi et al. (U.S. Patent No. 6,972,565, hereinafter “Yokoi”).

Applicant respectfully traverses this rejection.

***Legal Precedent***

Anticipation under § 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under § 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under § 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicant need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Further, “[a]n omnibus rejection of the claim ‘on the references and for the reasons of record’ is stereotyped and usually not informative and should therefore be avoided. This is especially true where certain claims have been rejected on one ground and other claims on another ground. A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.” M.P.E.P. 707.07(d) under the heading “Improperly Expressed Rejections”; see also M.P.E.P. 707.07(d) which states that “[w]here a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection ***fully and clearly stated***”. (Emphasis added).

***The cited reference is missing features recited by independent claim 1.***

In formulating the rejection for claim 1, the Examiner stated:

Claim 1 appears to be adequately anticipated by Yokoi et al. since Yokoi et al. teaches a system, method and apparatus for maintenance support for an MRI, wherein data regarding the operations of the MRI are collected

and then compared to pre-existing data so as to allow for predictions as to whether maintenance or service is needed on the MRI before a situation occurs wherein the MRI must be taken off-line (e.g. See C5 L29-59; C7 L9-24; C7 L29 – C8 L4 and C8 L39-47).

Office Action, page 3.

Independent claim 1 recites, “[a] method for servicing an imaging device having a cryogenic cooling system, comprising: receiving first data representative of at least one condition of the *cryogenic cooling system*; receiving *second data correlative* of the at least one condition to an imaging device event; and developing a projection regarding possible occurrence of the imaging device event with respect to the imaging device via the first and *second data*.” (Emphasis added).

As a preliminary matter, Applicant respectfully submits that the Examiner’s citation to the entire Detailed Description of Yokoi without showing how *every* element of the claimed invention is *identically* shown in Yokoi is the practical equivalent of an improper omnibus rejection. Four different sections of the Yokoi Detailed Description were cited, but the Examiner failed to show what elements of the claimed invention are purportedly shown in each section. Thus, the Examiner has provided Applicant with no reasonable understanding of the basis or source for the Examiner’s rejection of 27 claims, other than that the Examiner believes every element of every claim is found somewhere in the cited sections of the Detailed Description. Section 2131 of the M.P.E.P. states that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicant respectfully requests that the Examiner provide specific reasons for the Examiner’s rejection so that Applicant is properly placed on notice as to the basis of the rejection and provided a fair opportunity to reply. Nevertheless, to make a good faith attempt at advancing prosecution of the present application, Applicant has attempted to ascertain which, if any, portions of the cited sections of Yokoi may be relevant in order to

formulate a response. However, after reviewing the cited sections of the Detailed Description, Applicant does not believe the sections disclose what the Examiner suggests.

Yokoi discloses a system that appears to receive both first and second data representative of a condition of the MRI apparatus, but fails to show how or if the second data *correlates* the current data to an imaging device event. For example, referring to the sections of Yokoi cited by the Examiner, several examples of what may constitute imaging device events are disclosed, such as a “vacuum tube failure,” “serious and unexpected damage or delays,” and “degradation of the MRI apparatus.” *See* Yokoi, col. 7, lines 22-24; col. 7, lines 63-64; col. 8, line 42. In addition, Yokoi discloses several examples of what may constitute “data representative of at least one condition of the cryogenic cooling system,” such as “state values of the MRI apparatus,” a “performance index parameter (an eddy current, T2\*, etc.),” and “a measured value.” *See* Yokoi, col. 5, lines 32-35; col. 7, lines 11-12; col. 8, line 43. Finally, Yokoi discloses second data *different* from the “first data” only once, referring to “a standard value” that is compared with MRI state values. *See* Yokoi, col. 7, lines 13-14. However, Yokoi fails to disclose whether “a standard value” *correlates* any of the first data with an imaging device event. In fact, Yokoi fails to explain how “a standard value” is determined or its relationship with first data and imaging device events. Without such a relationship, Applicant submits that such a value does not constitute “data *correlative* of the at least one condition to an imaging device event.” (Emphasis added). In view of at least this deficiency, Yokoi cannot anticipate independent claim 1 and its dependent claims.

Furthermore, because Yokoi fails to disclose appropriate second data, Yokoi appears incapable of teaching or suggesting “a projection . . . via the first and *second data*.” (Emphasis added). As discussed above, Yokoi discloses a system that receives first data about the MRI apparatus and “a standard value,” but such a value is not “*second data correlative* of the at least one condition to an imaging device event” as recited in claim 1. (Emphasis added). Yokoi discloses examples of what may constitute

projections, such as “predict[ing] degradation and accident,” “determine[ing] a suitable repair schedule,” and “an alert is generated.” *See* Yokoi, col. 7, lines 40-41; col. 8, lines 2-3; col. 8, line 45-46. However, Yokoi fails to disclose whether any of these projections utilize second data that correlates first data with an imaging device event. In view of this additional deficiency, Yokoi cannot anticipate independent claim 1 and its dependent claims.

***The cited reference is missing features recited by independent claims 7 and 8.***

Independent claims 7 and 8 both recite, *inter alia*, “receiving first data representative of at least one condition of the cryogenic cooling system,” “receiving *second data correlative* of the at least one condition to an imaging device event,” and “developing a projection regarding possible occurrence of the imaging device event with respect to the imaging device via the first and *second data*.” (Emphasis added).

As discussed above in relation to independent claim 1, Yokoi does not teach or suggest the act of “receiving *second data correlative* of the at least one condition to an imaging device event,” as recited in claims 7 and 8. Therefore, at least in view of this deficiency, no *prima facie* case of anticipation exists with regard to independent claims 7 and 8.

***The cited reference is missing features recited by independent claim 9.***

Independent claim 9 recites, *inter alia*, “receiving first data representative of at least one parameter related to the cryogenic cooling system; receiving *second data correlating* the first data to a model time interval related to a possible occurrence of a cryogenic cooling system event; and determining a probabilistic time interval until the possible occurrence of the cryogenic cooling system event in the cryogenic cooling system via the *second data*.” (Emphasis added).

As discussed above in relation to independent claim 1, Yokoi does not teach or suggest the act of “receiving *second data correlating* the first data to a model time interval related to a possible occurrence of a cryogenic cooling system event,” as recited in claim 9. Yokoi makes no distinction between an “imaging device event” and a “cryogenic cooling system event.” In addition, the second data does not appear correlative of anything. Therefore, at least in view of this deficiency, no *prima facie* case of anticipation exists with regard to independent claim 9 and its dependent claims.

Furthermore, because Yokoi fails to disclose appropriate second data, Yokoi appears incapable of teaching or suggesting “a probabilistic time interval . . . via the *second data*.” (Emphasis added). As discussed above, Yokoi discloses a system that receives “a standard value,” but fails to show how this value is related to either first data or an imaging device event, much less “a model time interval.” Yokoi does disclose “calculat[ing] the date,” which may constitute a “time interval.” *See* Yokoi, col. 7, line 48. But because such a time interval appears not be determined via “*second data correlating* the first data to a model time interval,” Yokoi fails to disclose “a *probabilistic* time interval.” (Emphasis added). In view of this additional deficiency, Yokoi cannot anticipate independent claim 9 and its dependent claims.

***The cited reference is missing features recited by independent claims 16 and 17.***

The present independent claims 16 and 17 both recite, *inter alia*, “receiving first data representative of at least one parameter related to the cryogenic cooling system,” “receiving *second data correlating* the first data to a model time interval related to a possible occurrence of a cryogenic cooling system event,” and “determining a probabilistic time interval until the possible occurrence of the cryogenic cooling system event in the cryogenic cooling system via the *second data*.” (Emphasis added).

As discussed above in relation to independent claim 9, Yokoi does not teach or suggest the act of “receiving *second correlating* the first data to a model time interval

related to a possible occurrence of a cryogenic cooling system event,” as recited in claims 16 and 17. Therefore, at least in view of this deficiency, no *prima facie* case of anticipation exists with regard to independent claims 16 and 17.

***The cited reference is missing features recited by independent claim 18.***

The present independent claim 18 recites, *inter alia*, “a first set of condition data from a population of cryogenic cooling systems,” “*correlated data* correlating the first set of condition data to occurrences of a cryogenic cooling system event,” and “a model for providing a projection for a possible occurrence of the cryogenic cooling system event in a further cryogenic cooling system *based upon the correlated data* and a second set of condition data from the further cryogenic cooling system.” (Emphasis added).

As discussed above in relation to independent claim 1, Yokoi does not teach or suggest “*correlated data* correlating the first set of condition data to occurrences of a cryogenic cooling system event,” as recited in claim 18. Yokoi makes no distinction between an “imaging device event” and a “cryogenic cooling system event.” In addition, Yokoi fails to disclose any data that appears correlative of anything. Therefore, at least in view of this deficiency, no *prima facie* case of anticipation exists with regard to independent claim 18 and its dependent claims.

***The cited reference is missing features recited by independent claims 23-27.***

The present independent claims 23 and 24 both recite, *inter alia*, “a first set of condition data from a population of cryogenic cooling systems,” “*correlated data* correlating the first set of condition data to occurrences of a cryogenic cooling system event in the population of cryogenic cooling system,” and “a model for providing a projection for a possible occurrence of the cryogenic cooling system event in a further cryogenic cooling system *based upon the correlated data* and a second set of condition data from the further cryogenic cooling system.” Similarly, the present independent claims 25-27 all recite, *inter alia*, “a first set of data from a population of imaging devices,” “a second set of data

from the population of imaging devices,” “*correlated data* correlating the first and second sets of data,” and “a model for providing a projection of the possible occurrence of the imaging device event in a further imaging device *based upon the correlated data* and a third set of data from the cryogenic cooling system of the further imaging device.” (Emphasis added).

As discussed above in relation to independent claim 18, Yokoi does not teach or suggest either “*correlated data* correlating the first set of condition data to occurrences of a cryogenic cooling system event” or “*correlated data* correlating the first and second sets of data” as recited in claims 23-24 and 25-27 respectively. Therefore, at least in view of this deficiency, no *prima facie* case of anticipation exists with regard to independent claims 23-27.

Accordingly, for each of the reasons set forth above, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102 and allowance of claims 1-27.

### **Conclusion**

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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